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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,244	10/16/2003	Naveen Sharma	A2485-US-NP XERZ 2 01275	9408
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Patrick R. Roche FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2579				
EXAMINER PRCT, NATHAN E				
ART UNIT		PAPER NUMBER		
2194				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,244

Applicant(s)

SHARMA ET AL.

Examiner

NATHAN PRICE

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007 and 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 22, 23, 25 and 26 are pending.
2. This Office Action is in response to communications received 26 December 2007 and 19 February 2008. Previous objections and rejections not included in this Office Action have been withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 December 2007 has been entered.

Response to Arguments

4. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukaiyama et al. (US 6631407 B1; "Mukaiyama") in view of Baller et al. (US 7254601 B2; "Baller") and Torikai (US 2001/0027469 A1).

6. As to claim 22, Mukaiyama teaches a distributed image processing system including an asset managing system 200 comprising asset management and service applications 220, a services host system 310 including imaging device subscribable service applications 320, and an imaging device 110 wherein the asset managing system, service host system and imaging device are in network communication (abstract), and further including:

a device model agent (DMA) module disposed within the imaging device (abstract) including:

a first DMA application for monitoring imaging device events and prescribing corresponding actions (col. 1 line 60 – col. 2 line 7; col. 7 line 39 – col. 8 line 11); and

a service manager application for selectively executing applications and facilitating interactive communication wherein the DMA module enables imaging

device active participation in the service applications (col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11).

7. Mukaiyama fails to specifically teach a second DMA application as claimed. However, Baller teaches a second DMA application for performing dynamic updates of executable imaging device services (col. 8 lines 18 – 49). Combined, the references teach a service manager application for selectively executing the first and second DMA applications and facilitating interactive communication with the asset managing system and services host system wherein the DMA module enables imaging device active participation in the service applications (Mukaiyama: Figs. 3, 4; col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11; Baller: col. 8 lines 18 – 49; col. 10 line 42 – col. 11 line 55). Additionally, Baller teaches the executable imaging device services include adding new service components that can be selectively initiated by the imaging device itself (Fig. 2; col. 10 line 42 – col. 12 line 7). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are directed towards managing remote devices.

8. Mukaiyama and Baller fail to specifically teach adding services to which the imaging device can selectively subscribe. However, Torikai teaches adding services to which the imaging device can selectively subscribe (¶¶16, 46, 52 – 53). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Mukaiyama teaches managing devices in a

network and Torikai teaches additional techniques regarding managing devices in a network.

9. As to claim 23, the references teach the prescribed corresponding actions include publishing service application data and invoking diagnostic service routines (Mukaiyama: Figs. 3, 4; col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11; Baller: col. 8 lines 18 – 49; col. 10 line 42 – col. 11 line 55).

10. As to claim 25, Baller teaches the service manager comprises a standards-based tool set common to a plurality of DMA modules respectively disposed in a plurality of imaging devices within the distributed image processing system (col. 5 lines 27 – 38; col. 10 line 42 – col. 12 line 7).

11. As to claim 26, Baller teaches the DMA module comprises an infrastructure for image device service applications independent of imaging device resources (col. 10 line 42 – col. 11 line 55).

Conclusion

12. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

Art Unit: 2195

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/

Supervisory Patent Examiner, Art Unit 2195

NP